

THE HONOURABLE SRI JUSTICE V. ESWARAI AH

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WRIT PETITION No.48 of 2006

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Date:03-01-2006

Between:

1. Anand Joshi and another

... Petitioners

a n d

1. The Chairman and Managing Director, Central Power Distribution Company of A.P. Ltd., Vidyuth Soudha, Hyderabad and others

... Respondents

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ORDER:

It is stated that the petitioners are the owners of the premises bearing No.5-8-543 situated at Abid Road, Hyderabad and the said premises was under the occupation of their tenant M/s.Jalal and Sons. The said tenant obtained power supply vide service connection No.E2-299 L.T. Category-II from the respondents. It is stated that petitioners filed eviction petition before the Rent Controller as the premises was required for their personal use and occupation which was allowed and the said

order of the Rent Controller was confirmed by the Supreme Court in SLP No.6974 of 2001 granting time to the tenant to evict the premises by 31.12.2002. It is stated that the third respondent passed final assessment order No.DEA/I/HYD/DAT./9008/D.No.4910 dated 7.8.2002 demanding payment of the value of the energy pilfered in respect of the said connection at Rs.4,48,751/-. It is stated that the tenant evicted the said premises as per the orders of the Supreme Court and nobody was in the said premises from January 2003. It is stated that the petitioners wanted to get revival of the electricity connection on a fresh connection. Accordingly, a representation dated 31-12-2005 was made before the second respondent with a request to give re-connection/new connection without demanding the arrears/penalty including the surcharge/interest payable on the said service connection. It is stated that the said amounts were payable by the tenant only and therefore the amount payable by the tenant cannot be collected from the landlord. The petitioner also relied on the judgment of this Court in W.P.No.20753 of 2002 contending that the charges payable by the tenant cannot be collected from the owner. The said writ petition was disposed of granting liberty to the petitioners therein to make an appropriate application seeking a fresh electricity service connection to the premises in question and it was directed to be considered by the respondents therein in accordance with law without insisting on the payment of the arrears alleged to be due from the previous tenant.

2. Having regard to that fact, without expressing any opinion as to whether the petitioners are liable to pay the electricity dues towards the said connection as the representation of the first petitioner is pending before the second respondent seeking fresh electricity connection, it is just and proper to direct the second respondent to consider and pass appropriate orders according to law.

3. Accordingly, the writ petition is disposed of directing the second respondent to consider and dispose of the representation dated 31-12-2005 filed by the first petitioner within three weeks from the date of receipt of a copy of this order. No order as to costs.

03-01-2006

cvrk